

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RANDALL KELTON, KARA BELL
Plaintiff,

v.

**NORDSTROM, INC. (d.b.a.
Nordstrom Rack), et al.**
Defendants.

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Case No. 1:23-CV-00395

**CHIEF JUSTICE HECHT'S RESPONSE TO
PLAINTIFF KELTON'S MOTION FOR SANCTIONS**

NOW COMES Defendant Chief Justice Hecht, and files this Response in Opposition to Plaintiff Kelton's¹ Motion for Sanctions (Doc. 57):

1. There is no basis for Plaintiff Kelton's Motion for Sanctions. (Doc. 57).
2. Plaintiff Kelton's Motion is based on his demonstrably false statement that Chief Justice Hecht's Motion to Dismiss "contains no law in support of Defendant Hecht's assertion that the instant case should be dismissed." (Doc. 57, p. 2).
3. Chief Justice Hecht's Motion to Dismiss (Doc. 24) and his Reply Brief (Doc. 46) were fully briefed with relevant case law and was properly applied to the allegations in Plaintiffs' Second Amended Complaint.
4. This is yet more proof that Plaintiff Kelton has brought this case and filed his Motion not based on any merit, but simply as a training tool for his own education. (Doc. 55-1).

¹ The Motion for Sanctions was only signed by Plaintiff Randall Kelton, and no other parties. (Doc. 57). TO the extent that this pleading is an "Opposition to Hecht Motion to Dismiss" as the title states (Doc. 57, p. 1) it is untimely and Plaintiffs have already filed an opposition to the Motion to Dismiss. (Doc. 39). Further pleadings from Plaintiffs on that motion are impermissible. *See* LOCAL RULE CV-7(E)(1) ("A party may file a reply in support of a motion. **Absent leave of court, no further submissions on the motion are allowed**") (emphasis added).

5. Further, Plaintiff Kelton's Motion for Sanctions (Doc. 57) does not present any alleged sanctionable pleading with sufficient particularity, as required by Rule 11.

Plaintiff Kelton's Motion for Sanctions (Doc. 57) should be summarily denied, and this Court should dismiss Plaintiffs' claims against Chief Justice Hecht and all defendants.

WHEREFORE, Chief Justice Hecht prays that Plaintiffs take nothing by their suit.

Respectfully submitted,

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*ATTORNEYS FOR DEFENDANT CHIEF JUSTICE
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CERTIFICATE OF SERVICE

I certify that a copy of the above *Chief Justice Hecht's Response to Plaintiff Kelton's Motion for Sanction* was served on the **21st day of September, 2023**, upon all parties who have entered an appearance, using the CM/ECF system and upon the following individual by Certified Mail, Return Receipt Requested and via regular mail:

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